

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

MONGODB INC.,

Defendant.

C.A. No. 1:19-cv-00492-CFC

**JURY TRIAL DEMANDED**

**DEFENDANT'S ANSWER,  
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS**

Defendant MongoDB, Inc. ("MongoDB"), responds to the allegation in the Complaint for Patent Infringement (D.I. 1, the "Complaint") of Realtime Data LLC ("Realtime"). MongoDB bases its responses on its knowledge as to its own activities, and on information and belief as to the activities of others. The numbered paragraphs below refer to, and correspond to the numbered paragraphs in the Complaint. If not specifically admitted, the allegations of the Complaint are denied.

**PARTIES**

1. MongoDB lacks sufficient information to form a belief as to the truth or falsity of the allegations of this paragraph, and, on that basis, denies them.

2. MongoDB admits that it is a Delaware corporation, with a principal place of business at 1633 Broadway, 38<sup>th</sup> Floor, New York, NY, and that it can be served through its registered agent, Corporation Service Company, 251 Little Falls Dr., Wilmington, DE, 19808.

**JURISDICTION AND VENUE**

3. MongoDB denies that it has committed any acts of infringement. MongoDB admits that Realtime alleges claims under the patent laws of the United States, Title 35 U.S.C., and that this court has subject-matter jurisdiction under 28 U.S.C. § 1331 and 1388(a).

4. MongoDB again denies that it has committed any acts of infringement, either in Delaware or elsewhere. MongoDB admits that this Court has personal jurisdiction over MongoDB by virtue of being organized under the laws of and doing business in the state of Delaware. MongoDB denies the remaining allegations.

5. MongoDB again denies that it has committed any acts of infringement, either directly or indirectly. MongoDB admits that it is a Delaware corporation, and that venue is proper under 28 U.S.C. § 1400(b). MongoDB denies the remaining allegations in this paragraph of the Complaint.

### **COUNT I**

6. MongoDB repeats and incorporates by reference its responses in the foregoing paragraphs of this Answer as if fully set forth herein. MongoDB admits that U.S. Patent 9,116,908 (the “’908 Patent”) is titled “Systems and methods for accelerated data storage and retrieval,” that it issued on August 25, 2015, and that the ’908 Patent claims on its face to be assigned to Realtime. MongoDB admits that Exhibit A appears to be a copy of the ’908 Patent. MongoDB lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in this paragraph, and, on that basis, denies them.

7. Denied.

8. Denied.

9. Denied.

10. MongoDB admits that it has knowledge of the existence of the ’908 Patent as of service of the complaint on its registered agent on March 13, 2019. MongoDB denies the remaining allegations in this paragraph of the Complaint.

11. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

12. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

13. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

14. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

15. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

16. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

17. Denied.

18. Denied.

## **COUNT II**

19. MongoDB repeats and incorporates by reference its responses in the foregoing paragraphs of this Answer as if fully set forth herein.

20. MongoDB admits that U.S. Patent No. 9,667,751 (the “’751 Patent”) is titled “Data feed acceleration,” that it issued on May 30, 2017, and that it claims on its face to be assigned to Realtime. MongoDB admits that Exhibit B appears to be a copy of the ’751 Patent. MongoDB lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations of this paragraph, and, on that basis, denies them.

21. Denied.

22. Denied.

23. MongoDB admits that it has knowledge of the existence of the '751 Patent as of service of the complaint on its registered agent on March 13, 2019. MongoDB denies the remaining allegations in this paragraph of the Complaint.

24. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

25. Denied.

26. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

27. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

28. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

29. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

30. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

31. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

32. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

33. Denied.

34. Denied.

### **COUNT III**

35. MongoDB repeats and incorporates by reference its responses in the foregoing paragraphs of this Answer as if fully set forth herein. MongoDB admits that U.S. Patent No. 8,933,825 (the “’825 Patent”) is entitled “Data compression systems and methods,” that it issued on January 13, 2015, and that it claims on its face to be assigned to Realtime. MongoDB admits that Exhibit C to the Complaint appears to be a copy of the ’825 Patent. MongoDB lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations of this paragraph of the Complaint, and, on that basis, denies them.

36. Denied.

37. Denied.

38. Denied.

39. MongoDB admits that it has knowledge of the existence of the ’825 Patent as of service of the complaint on its registered agent on March 13, 2019. MongoDB denies the remaining allegations this paragraph of the Complaint.

40. Denied.

41. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

42. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

43. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

44. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

45. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

46. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

47. MongoDB admits that certain quoted portions in this paragraph of the complaint appear to come from websites operated by MongoDB. MongoDB denies the remaining allegations therein.

48. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

49. This paragraph is purely a legal conclusion, and therefore no response is necessary. To the extent a response is required, MongoDB denies any factual matter in this paragraph.

50. Denied.

51. Denied.

**PRAYER FOR RELIEF**

MongoDB denies that Realtime is entitled to any of the relief requested in the Complaint or any relief whatsoever. MongoDB denies all allegations in the Complaint that have not been specifically admitted in the paragraphs above.

**DEMAND FOR JURY TRIAL**

This averment does not require a response.

**ADDITIONAL DEFENSES**

MongoDB asserts the following additional defenses to the Complaint. In doing so, MongoDB does not assume any burden of proof on any issue that is Realtime's burden as a matter of law. MongoDB also reserves the right to amend or supplement these defenses as additional facts become known.

**FIRST DEFENSE: NON-INFRINGEMENT**

MongoDB does not infringe and has not infringed (either directly, indirectly, contributorily, or by inducement) any valid claim of the Asserted Patents, either literally or under the doctrine of equivalents.

**SECOND DEFENSE: INVALIDITY**

The claims of the Asserted Patents are invalid for failure to satisfy one or more requirements of 35 U.S.C. §§ 100 *et seq.*, including §§ 101, 102, 103, and 112.

**THIRD DEFENSE: WAIVER, ESTOPPEL, AND/OR ACQUIESCENCE**

The claims of the Asserted Patents are barred, in whole or part, by the doctrines of waiver, estoppel, and/or acquiescence.

**FOURTH DEFENSE: PROSECUTION HISTORY ESTOPPEL**

By reason of prior art and/or statements and representations made to the USPTO during the prosecution of the applications that led to the issuance of the Asserted Patents, the Asserted Patents are so limited that no claim can be construed as covering any MongoDB product or service.

**FIFTH DEFENSE: LIMITATION ON DAMAGES**

Realtime is barred from recovering any pre-lawsuit claim for damages for failure to comply with 35 U.S.C. § 287.

**SIXTH DEFENSE: NO INJUNCTIVE RELIEF**

Realtime cannot obtain injunctive relief, because it cannot satisfy the requirements applicable to its request for injunctive relief and has adequate remedies at law.

**SEVENTH DEFENSE: NOT AN EXCEPTIONAL CASE**

MongoDB's actions in defending this case do not give rise to an exceptional case finding under 35 U.S.C. § 285.

**EIGHTH DEFENSE: LICENSE, EXHAUSTION, AND/OR DOUBLE RECOVERY**

To the extent that Realtime has licensed or otherwise exhausted its rights and remedies as to its products or services that are accused, MongoDB is not liable to Realtime for any alleged acts of infringement related to such products or services based on exhaustion, the "first sale" doctrine, and/or restrictions on double recovery.

**NINTH DEFENSE: EXTRATERRITORIALITY**

Realtime's claims for patent infringement are precluded in whole or in part to the extent that any accused functionality or acts are located or performed outside the United States.

**RESERVATION OF RIGHTS**

MongoDB has insufficient knowledge or information to form a belief as to whether it may have yet unstated separate and additional defenses available. MongoDB reserves the right to amend this Answer to add, delete, or modify defenses based on legal theories which may or will be divulged through clarification of Realtime's claims, through discovery, or through further legal analysis of Realtime's claims and positions in this litigation.

**COUNTERCLAIMS**

Further responding to the Complaint, pursuant to Federal Rule of Civil Procedure 13, Defendant/Counterclaim Plaintiff MongoDB, Inc. ("MongoDB") alleges the following

counterclaims, without admitting any allegations of the Complaint not otherwise admitted and without assuming the burden when such burden would otherwise be on Realtime Data LLC (“Realtime”).

### **PARTIES**

1. MongoDB is a Delaware corporation with its principal place of business at 1633 Broadway, 38<sup>th</sup> Floor, New York, NY 10019.

2. According to its Complaint, Realtime is a limited liability company organized under the laws of the State of New York, having a principal place of business at 66 Palmer Avenue, Suite 27, Bronxville, NY 10708.

### **JURISDICTION AND VENUE**

3. Subject to MongoDB’s defenses and denials, MongoDB alleges that this court has jurisdiction over the subject matter of these Counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1338(a), 1367, 2201, and 2202.

4. Venue for these Counterclaims is proper in this District to the extent that venue is proper in this case.

5. This court has personal jurisdiction over Realtime, on the basis that Realtime has submitted to the jurisdiction of this Court by virtue of the filing of its Complaint in this action.

### **FACTUAL BACKGROUND**

6. In its Complaint, Realtime purports to be the assignee and owner of U.S. Patent Nos. 9,116,908 (the “’908 Patent”); 9,667,751 (the “’751 Patent”); and 8,933,825 (the “’825 Patent”) (collectively, the “Asserted Patents”).

7. In its Complaint, Realtime asserts that MongoDB has infringed the Asserted Patents.

8. MongoDB does not infringe and has not infringed directly or indirectly, by inducement or contribution, any valid, enforceable claim of the Asserted Patents.

9. The Claims of the Asserted Patents are invalid for failure to satisfy the conditions of patentability and/or otherwise to comply with one or more requirements of 35 U.S.C. §§ 100 *et seq.*, including §§ 101, 102, 103, and 112.

**COUNT I**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '908 PATENT**

10. MongoDB restates and incorporates by reference its allegations in the foregoing paragraphs its Counterclaims.

11. As demonstrated by the filing of the Complaint, an actual case or controversy exists between MongoDB and Realtime as to whether MongoDB infringes the '908 Patent.

12. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding the '908 Patent.

13. MongoDB has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '908 Patent either literally or under the doctrine of equivalents, and no claim of the '908 Patent can be properly construed to cover any of MongoDB's products or services.

14. For example, Claim 21 requires "compressing a first data block with a first compression technique to provide a first compressed data block; and compressing a second data block with a second compression technique . . . [and] storing the first and second data compressed blocks on a memory device wherein the compression and storage occurs faster than the first and second blocks are able to be stored on the memory device." None of MongoDB's products or services meet this limitation, and likewise fail to meet numerous other limitations of the claims of the '908 Patent.

15. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**COUNT II**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '751 PATENT**

16. MongoDB restates and incorporates by reference its allegations in the prior paragraphs of its Counterclaims.

17. As demonstrated by the filing of the Complaint, an actual case or controversy exists between MongoDB and Realtime as to whether MongoDB infringes the '751 Patent.

18. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding the '751 Patent.

19. MongoDB has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '751 Patent either literally or under the doctrine of equivalents, and no claim of the '751 Patent can be properly construed to cover any of MongoDB's products or services.

20. For example, Claim 1 of the '751 Patent requires "analyzing content of a data block to identify a parameter, attribute, or value of the data block that excludes analyzing based solely on reading a descriptor [and] selecting an encoder associated with the identified parameter, attribute or value." None of MongoDB's products or services meet this limitation, and likewise fail to meet numerous other limitations of the claims of the '751 Patent.

21. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**COUNT III**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '825 PATENT**

22. MongoDB restates and incorporates by reference its allegations in the prior paragraphs of its Counterclaims.

23. As demonstrated by the filing of the Complaint, an actual case or controversy exists between MongoDB and Realtime as to whether MongoDB infringes the '825 Patent.

24. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding the '825 Patent.

25. MongoDB has not infringed and does not infringe, directly or indirectly, any valid and enforceable claim of the '825 Patent either literally or under the doctrine of equivalents, and no claim of the '825 Patent can be properly construed to cover any of MongoDB's products or services.

26. For example, Claim 18 of the '825 Patent requires "associating at least one encoder to each one of a plurality of parameters or attributes of data. . . analyzing data within a data block to determine whether a parameter or attribute of the data within the data block is identified for the data block . . . [and] compressing, if the first parameter or attribute of the data is the same as one of the plurality of parameter or attributes of the data, the data block with the at least one encoder associated with the one of the plurality of parameters or attributes of the data." None of MongoDB's products or services perform such an analysis, nor do they compress data blocks in the claimed manner. MongoDB's products and services likewise fail to meet numerous other limitations of the claims of the '751 Patent.

27. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**COUNT IV**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE '908 PATENT**

28. MongoDB restates and incorporates by reference its allegations in the prior paragraphs of its Counterclaims.

29. As demonstrated by the filing of the Complaint, An actual case or controversy exists between MongoDB and Realtime as to whether the '908 Patent is invalid.

30. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding the '908 Patent.

31. The '908 Patent is invalid because it fails to meet the conditions for patentability of 35 U.S.C. §§ 101, 102, 103, and/or 112 because the claimed alleged invention lacks utility, is taught by, suggested by, and/or obvious in view of, the prior art, and/or is not adequately

supported by the written description of the patented invention, and/or is indefinite and/or is not enabled.

32. For example, the independent claims recite merely “compressing a first data block with a first compression technique . . . compressing a second data block with a second data compression technique . . . [and] storing the first and second data compressed blocks on a memory device wherein the compression and storage occurs faster than the first and second data blocks are able to be stored on the memory device in uncompressed form.” But, as the ’908 Patent admits, numerous compression techniques were well-known in the art as of its filing. *See* ’908 Patent at 1:57-2:12 (lossy and lossless data compression). And the ’908 Patent discloses no new compression technique at all. Therefore, the ’908 Patent is likely anticipated, obvious, not enabled and/or fails to satisfy the written description requirement.

33. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**COUNT V**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE ’751 PATENT**

34. MongoDB restates and incorporates by reference its allegations in the prior paragraphs of its Counterclaims.

35. As demonstrated by the filing of the Complaint, An actual case or controversy exists between MongoDB and Realtime as to whether the ’751 Patent is invalid.

36. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding the ’751 Patent.

37. The ’751 Patent is invalid because it fails to meet the conditions for patentability of 35 U.S.C. §§ 101, 102, 103, and/or 112 because the claimed alleged invention lacks utility, is taught by, suggested by, and/or obvious in view of, the prior art, and/or is not adequately supported by the written description of the patented invention, and/or is indefinite and/or is not enabled.

38. For example, in IPR2018-00549, a petitioner challenged the claims of the '751 Patent as invalid over various combinations of U.S. Patent No. 5,838,821 to Matsubara et al., U.S. Patent No. 5,870,036 to Franaszek, U.S. Patent No. 6,711,709 to York, and Greg Pastrick, *Double – No – Triple Your Hard Disk Space With On-the-Fly Data Compression Utilities*, PC Magazine, January 28, 1992, at 261. The Patent Trial and Appeal Board instituted an *Inter-partes* Review of the claims of the '751 Patent because it determined that there was a reasonable likelihood that Claims 1, 21-25, and 45-48 of the '751 Patent were invalid. *See* IPR2018-00549, Paper No. 7, at 33 (Jul. 23, 2018). The proceeding was terminated prior to a final written decision, and thus it remains reasonably likely that at least Claims 1, 21-25, and 45-48 are invalid.

39. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**COUNT VI**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE '825 PATENT**

40. MongoDB restates and incorporates by reference its allegations in the prior paragraphs of its Counterclaims.

41. As demonstrated by the filing of the Complaint, An actual case or controversy exists between MongoDB and Realtime as to whether the '825 Patent is invalid.

42. A judicial declaration is necessary and appropriate so that MongoDB may ascertain its rights regarding '825 Patent.

43. The '825 Patent is invalid because it fails to meet the conditions for patentability of 35 U.S.C. §§ 101, 102, 103, and/or 112 because the claimed alleged invention lacks utility, is taught by, suggested by, and/or obvious in view of, the prior art, and/or is not adequately supported by the written description of the patented invention, and/or is indefinite and/or is not enabled.

44. For example, the claims of the '825 Patent share many common elements with the claims of the '751 Patent, and the '825 Patent appears to share a common priority date. Therefore, it is reasonably likely that the '825 Patent is invalid for substantially the same reasons, and over substantially the same art, as the '751 Patent.

45. This is an exceptional case under 35 U.S.C. § 285, including without limitation because Realtime filed its Complaint with knowledge of the facts stated in this counterclaim.

**PRAYER FOR RELIEF**

WHEREFORE, MongoDB prays for judgment as follows:

- A. A declaration that MongoDB has not infringed, either literally or under the doctrine of equivalents, contributed to the infringement of, or induced others to infringe, either directly or indirectly, any valid and enforceable claim of the Asserted Patents;
- B. A declaration that the claims of the Asserted Patents are invalid and unenforceable;
- C. A declaration that this case is exceptional and an award to MongoDB of its reasonable costs and expenses of litigation, including attorney's fees and expert witness fees;
- D. A judgment limiting or barring MongoDB's ability to enforce the Asserted Patents in equity; and
- E. Such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

In accordance with Rule 38(b) of the Federal Rules of Civil Procedure, MongoDB respectfully demands a trial by jury on all issues so triable to a jury in this action.

Dated: April 24, 2019

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

/s/ Robert M. Vrana

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**CERTIFICATE OF SERVICE**

I, Robert M. Vrana, Esquire, hereby certify that on April 24, 2019, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to all registered participants.

I further certify that on April 24, 2019, I caused the foregoing document to be served by e-mail on the following counsel of record:

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Dated: April 24, 2019

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